

**Memphis and Shelby County  
Metropolitan Government Charter Commission**

**Minutes  
April 15, 2010  
4:00 p.m.**

**Commission members present:**

Julie Ellis, Chairman  
Andre Fowlkes, Vice Chairman  
Lou Etta Burkins, Secretary/Treasurer  
J. W. Gibson  
Damon Griffin  
Mayor Richard Hodges  
Billy Orgel  
Chris Patterson  
Carmen Sandoval  
Jim Strickland  
Dr. Randolph Meade Walker  
Rufus Washington  
Rev. Ralph White

**Commission members absent:**

Linda Kerley  
Richard Smith

**Others present:**

Bill Dries, The Daily News  
Christy Kinard, Asst. Co. Attorney  
Matt Kuhn, Asst. - County Mayor  
Edith Moore, Co. Commissioner  
Mayor Keith McDonald, Bartlett  
Brian Stephens, Rebuild Government  
Regina Newman, Co. Trustee  
Johnathan Russell, Health Dept.

Fred Jones, MLGW  
Jack Payne, Asst. City Attorney  
Bob Nations, Office of Preparedness  
Kim Hackney, Sheriff's Office  
Harvey Kennedy, Sheriff's Office  
Yvonne Madlock, Director, Health Dept.  
Janet Shipman, Health Dept.

The 13<sup>th</sup> meeting of the Memphis Charter Commission was called to order at 4:35 p.m. after a moment of silence.

Chairman Ellis called the roll and announced there was a quorum (13 present).

**Approval of Minutes:** Commissioner Strickland moved approval of the Minutes of the April 8, 2010, meeting. Commissioner Washington seconded. All Commissioners voted aye. The Minutes of April 8, 2010, were approved.

**Administrative Update:**

Matt Kuhn submitted proposed budget for the Charter Commission of \$50,000.00. The best thing about the new budget is that there will be snacks, water, drinks and coffee provided for Charter Commissioners. Part of the commission budget is all of the paper and all of the supplies being used during the meetings for the media and attendees. It is to align the Charter Commission's budget with the County budget's line items. You have supplies, copy paper, and roughly in the executive committee, that have relegated \$40,000.00 for further activities. Anything that gets spent out of that particular line item has to come back before the commission.

We are looking at having a meeting with officials from Nashville-Davidson County via video. Possible that next meeting of Commission will be at a different venue as the County does not have video conferencing equipment.

Comm. Gibson: Have some concern regarding the numbers of task force committee meetings and the notification for them. It is very important that notification of meetings be made to all Commission members with as much notice as possible.

Chairman Ellis: Matt Kuhn is very good about sending out the weekly task force list. Ask each of the task force chairs to remind their commissioners as a courtesy, send out emails.

Included in the packets received by the Commissioners is a copy of the email that Chairman Ellis sent back to Pat Hardy from MTAS who will be speaking in Collierville. The email references the various issues dealing with consolidation. He is not an expert on the impact to any of the suburban cities in our particular situation; he says he is not really even an expert on consolidation but he is well-written on the subject. The email has also been sent to Mayor Joyner and James Llewellyn.

Chairman Ellis and Commissioner Pellicciotti have been talking about elected officials running against the charter commission. A copy of the email sent to Commissioner Pellicciotti to correct some of the misstatements have been provided to all Charter Commissioners. What the commission has done needs to be accurately represented. The elected officials have been asked to work with the Charter Commission.

Chairman Ellis: I continue to say thank you to the legal staff, both from City and County. They are fielding all of the task forces and being of enormous support.

Christy Kinard, Asst. County Attorney: No updates.

Jack Payne, Asst. City Attorney: No updates.

## **Resume Public Safety Task Force Report**

Comm. Washington: A motion to amend the recommendation submitted last week regarding law enforcement. There were a lot of concerns voiced last week regarding the law enforcement model, particularly with regard to the rationale for making the Sheriff the chief law enforcement officer. According to last week's minutes, Commissioner Gibson indicated that the "the sheriff is really more of a professional lawman than what would be likely appointed by the mayor." Comm. Washington disagrees that the sheriff would be more of a professional law enforcement person than what the mayor would appoint. The Memphis Police Department is the largest police agency in Tennessee and bar none, they do a good job with the available resources. Compared to New York City, they cover the same square mileage, but do it with less than a third of the police officers. The real time crime center (RTCC) positions the MPD to take crime fighting in the 21st century to the next level. Currently, the RTCC is not even using all of the capability. The office of the sheriff is an elected position under the constitution. That cannot be changed, but we can change his duties. The Nashville model is the best model. Motion to amend the law enforcement recommendation of the Public Safety Task Force that the proposed metro charter provide for an appointed police director, serving as chief law enforcement officer of the county, reporting to the metro mayor and the position of sheriff be designated as a constitutionally required elected officer without law enforcement, patrol duties or responsibilities. The sheriff would still have responsibility for court security, the prison system, the jail, transport of prisoners, service of process. Motion seconded by Comm. Strickland.

Comm. Washington proposes that the charter have a recruiting committee responsible for an independent search for a police director. Not sure of constitution of committee.

Comm. Hodges: My understanding is that if the MPD were not doing their job, the sheriff could come in and take over. The reason I want the position to be elected is because I want to keep politics out of the relationship between the sheriff and the mayor. If the metro government comes to pass, the sheriff and mayor will have to work together. Strongly disagrees with the motion to have the sheriff not provide law enforcement.

Comm. Gibson: "Contingent upon Comm. Washington's reading of the minutes of our last meeting, and I don't doubt that he read it correctly, but I will have to apologize to him and to others if that is indeed what I said. It was my intent to suggest in my response that I believe the sheriff is a professional lawman who is trained to do his job on a proficient level, unlike a mayor, not the mayor's notion of who should be the appointee. I didn't attempt to try to describe my thoughts of the mayor's appointment process. Again, if that is what I said, that was not my intent and I apologize for it coming out of my mouth in that form, but at the end of the day, I still believe that the county sheriff is an elected charter position, that again, based on his training ought to be the one that oversees policing of this community as Mr. \_\_\_\_\_ has suggested to us. The county mayor and the county sheriff are two elected officials. They get along well. We all talk about the fantastic job that Sheriff Luttrell does. There is no reason why we should not to expect our next elected sheriff to do just as good of a job. I would like to take the politics out of it and I feel strongly as well that by allowing the general public to

have a voice in who that top lawman is going to be to represent this community is essential."

Comm. Walker: Because of some personal and recent history with the police department, I, too, would like to see politics taken out of it and not have someone serve because they are in conformity with someone else's agenda and given the model that the MPD has had over the last few years, that is precisely what we had. We did have politics in it. We need to avoid that. I do not think that the MPD is well-positioned to go forward with the issues of ethics violations, the corruption within the department. I see major corrections that need to be made. If we are going to have decent law enforcement, we have got to have people who are enforcing it with integrity; we have got to have proper checks and balances. If we have people appointed as we go forward, I think we are continuing a system that has been in place for a long time that has lent itself to corruption and cronyism.

H. Kennedy, CAO, Sheriff's Office: If a municipality does not have its own police force (Arlington and Lakeland), the sheriff has a statutory responsibility to provide law enforcement without charge. If the sheriff has knowledge that laws are not being enforced in a community that does have a police agency, he still has a constitutional requirement to provide that service.

Comm. Gibson: Another concern expressed last meeting related to salary petition rights. Did we get an official opinion on that?

Christy Kinard, Asst. County Attorney: The purpose of the salary petition statute is to allow the sheriff and elected officials to go to court to deal with budget matters related to the number of personnel and personnel salaries, but not necessarily the entire budget. That statute applies to the constitutional sheriff. Therefore, under the metro government, you would have a constitutional sheriff and that statute would still be applicable. The only reason it is not applicable to the sheriff effective 9/1/10 in Shelby County is because the constitutional sheriff is no longer going to exist under the county charter. The sheriff will be a county charter officer at that time. And because of the way the statutes read on how to draft a county charter, those types of changes were permissible under that type of government but that does not apply to a metro government.

Mr. Kennedy: The first year of Sheriff Luttrell's tenure, and every year prior to that, the sheriff's office did file salary petitions. It was a sort of standard procedure to establish the number of positions and the salaries. Since that time, the sheriff has done a letter of agreement with the mayor that details the number of personnel and the salaries. The mayor has agreed, and no petitions have been required. There are statutes regarding the sheriff that are somewhat unique in that regardless of whether a petition is filed, the legislative body cannot reduce the number of the sheriff's personnel nor the salaries below the previous year's approved level without the sheriff's consent.

Comm. Strickland: Both sides agree that politics should be taken out of the process. Comm. Strickland is in support of the mayor making the appointment. If a person runs for election, the process cannot be more political. The way crime should be handled is scientific. Where the crime is rising, you put more police officers there. This is an administrative job; we don't elect a fire chief or superintendents of school. Appoint them and let them do their job. Relative to salary petitions, if these two offices are consolidated and the sheriff does the policing; and take over all of the personnel of the city police department, 20-25% of the metro government will be under control of the sheriff, if you exclude school funding. And the court will have the final say on the personnel costs. Other elected officials have done salary petitions, even though sheriff has not done so in some time. The mayor and council might not have final say over the budget. If really for the Charter Commission is really for consolidation of authority under one roof, you are not consolidating that budget decision, you are splitting off almost one fourth of the budget and will probably get less cohesiveness. One person who is in charge of budget ought to be charge of the administration and that is the mayor. The statute that says the legislative body cannot reduce the staff of the sheriff unless he agrees is a huge conflict. An example: school board and city council had argument over last couple of years. The state statute says you cannot reduce school funding below the level of the year before. If the sheriff gets all of the policing forces under his wing and there is a statute that says no reduction in staff unless sheriff agrees, why would we want to give more employees to a position that we have less control over? I urge that we vote for the amendment giving the mayor the police authority.

Comm. Washington: The MPD has the latest technology when it comes to crime fighting and are trained to do it.

Comm. Walker: There are a lot of problems with the Memphis police force. It needs to be decentralized and make sure the public has a voice in the policing policies, make sure the public is heard. The department should not be insulated from a public grievance process. It is a big concern when you lose the public's voice to address issues. The police department needs to understand that they are responsible to citizens and should be respectful and sensitive to the public.

Comm. Hodges: Reductions in personnel can be done with the agreement of the sheriff.

Comm. Orgel: Lakeland and Arlington don't have their own police forces, so sheriff provides for them. Under the metro government, who would become the body doing policing in those areas? Comm. Washington: It is my understanding that under the metro government would provide policing for those areas.

Ms. Kinard: Mr. Craig Willis, assistant county attorney, has written an opinion. It will be provided to members.

Kim Hackney, Sheriff's Office: It is Mr. Willis' opinion that this body will have to determine how those services are going to be provided to those two incorporated cities

because they do not have law enforcement agencies at this time. It is the sheriff's duty to provide those services right now. There is no fee associated with the sheriff's provision of law enforcement services. It is required by statute.

Comm. Fowlkes: With regard to the Mayor Hodge's comment about the sheriff being the high horse, to me that serves as a safeguard relative to areas that might need him to step in or where there is no police service. In the two scenarios on the table, who now is the high horse? How does that work?

Comm. Griffin: How is a mayor to be in harmony with a police director that he has no say in appointing?

Comm. Washington: The sheriff has jurisdiction over the entire county. He can patrol in Collierville and Millington but does not do so because they have their own police departments. The sheriff is the chief law enforcement for the county, but the municipalities have their own police forces.

Comm. Patterson: I feel confident that a metro police force can patrol the entire metro area including incorporated towns or cities that choose not to have their own force. I understand that is how the Nashville model works. I agree that we cannot remove politics from the election of a law enforcement officer. I think a professionally appointed law enforcement officer should be the head law enforcement officer, not a political candidate. In the future, I can envision a situation when a less qualified individual is elected sheriff or mayor. Having a strong mayor who is also in charge of appointing a professional law enforcement officer is the way to go.

Comm. Gibson: Give some thought as to who will be responsible for policing these given areas and at what compensation. We had a lengthy conversation in the task force related to compensation for services. The county fire department charges those municipalities like Arlington and Lakeland for fire protection, but the sheriff is required to police the municipalities that don't have their own forces and in the unincorporated areas without additional fees. There should be some consistency between fire and police services. State statute requires the sheriff to provide services at no additional fees.

Comm. Strickland: That is another reason to let the mayor appoint the police director, because if the sheriff has a mandate that says he cannot charge, but the police director could under the mayor's supervision, that is another reason not to go with the sheriff being the chief law enforcement officer.

Comm. Fowlkes: Under the two scenarios on the table, who has the authority to provide law enforcement? If they look at a particular area and there is no police force or if it is incompetent and they want to do something about it, under these two scenarios, who is providing those safeguards?

Mr. Kennedy: Their opinion was under the scenario where the sheriff has law enforcement removed, and you have incorporated and municipalities like Lakeland and Arlington that don't have police forces, the metro government would be required to get an agreement to have those services provided; in the absence of an agreement, no one would have authority to provide those police services.

Chairman Ellis: In the Nashville situation, they restricted some of those cities from providing those services and it is very clear in the charter that they assumed all of the sheriff's responsibilities were designated to the department of law enforcement to the metro police. It would be incumbent upon us, if we pass Comm. Washington's motion, that we would have to write it into the charter very clearly as to what the duties of the metro law enforcement division would be.

Mr. Kennedy: Apparently, it has to be decided. Under those scenarios, there is not a set answer. Those two municipalities would have to be dealt with in some fashion in the charter or by some sort of agreement.

Comm. Orgel: So, if Bartlett wanted to contract with Lakeland to provide police services, you could do so. The municipalities are not locked in to the consolidated government's metro police doing their law enforcement. However, under the metro government, law enforcement would be provided without charge and they would have to pay under either of the other scenarios (have their own force, contract with someone else or use the Metro force).

Mayor McDonald, Bartlett: In discussion with Mayor Goldsworthy and citizens from Germantown had with Forest Hill, they wanted to contract for policing and because of the way the metro charter is written in Nashville, the metro government says no, you cannot contract with another government for law enforcement. The two parties are at odds with what the charter says. It is not specifically stated in the charter that a municipality can contract with another government, but it also is not specifically excluded. There is no exact answer in Nashville's model. Suggest our charter specifically state a position relative to contracting with other municipalities. Metro is currently providing law enforcement.

Comm. Walker: In this mayor appointed scenario, what would be confirmation process? Would it be permissible for the sheriff to be part of confirming that appointment to insure cooperation among all parties?

Comm. Washington: Sheriff to possibly have some input.

Comm. Walker: Would voting on the mayor appointing the law enforcement director, would he have unilateral authority?

Chairman Ellis: We did agree in Task Force 1 that any appointments by the mayor would be confirmed by the council for all departments. That is one safeguard. If you

have additional safeguards, I need guidance as to whether we want to vote on this motion or allow it to be amended.

Ms. Kinard: He has made a motion to amend the recommendation and if somebody wants to amend that and he is willing to accept it as a friendly amendment before you vote on the original amendment, that is proper. Vote on this amendment and then continue to amend the main motion further without adding layers onto that.

Comm. Walker: I would like to make sure that we have a harmonious atmosphere between the mayor and the chief law enforcement officer. I would like to see the sheriff have some input on the confirmation of the police director. I would offer that as an amendment and I can vote for that.

Comm. Washington accepts the friendly amendment.

Comm. Strickland: Suggest that mayor submit his recommendations for police director to the sheriff and the council and the sheriff's recommendation, yea or nay, would be given to the council.

Comm. Washington: I was hoping that we could have a recruiting committee that would include the sheriff, the DA, a criminal court judge, juvenile court judge and citizens from metro at large, maybe nine people, would solicit a professional recruiting company to find the best candidate for the job, be he hired or contracted, and once the mayor accepts that person, he or she must be approved by the council. Both Comm. Gibson and Comm. Walker agreed with this concept.

Comm. Fowlkes: For purposes of what goes in the charter, I don't think that is a good idea to write into the charter. If you want to provide a friendly recommendation outside of the charter to the new government personnel, great, but should not state specifically that a recruiting committee select the metro police director.

Comm. Gibson: Agrees with Comm. Fowlkes. What about idea of a joint appointment between the mayor and sheriff to build a relationship?

Comm. Patterson is afraid that would cause more problems. Mayor should make appointment with some input from the sheriff, and the confirmed by the council, but mayor should make final appointment.

Chairman Ellis: We have an amended motion to move the law enforcement to report to the mayor which has been amended to include that the sheriff be able to weigh in on the mayoral appointment, with the council having final confirmation. The sheriff would have an opinion as to the recommendation of the mayor to the council. The writing committee should clarify this point.

Comm. Hodges: Will that be in the metro rules or is that something that the new metro council will decide? Is that not part of the fundamentals that the metro council needs to decide rather than the metro commission?

Chairman Ellis: The metro council would be the deciding body.

Comm. Fowlkes: I think he is asking, should we leave this decision to whatever the new form of government will be, that new metro council, or should we write it in right now? That is what we are voting on, writing it into the charter right now or let the new government decide about the sheriff.

Chairman Ellis: The amendment on the floor is that the sheriff would have a voice in the mayor's decision. That was accepted as a friendly amendment.

Seconded by Comm. Patterson.

Comm. Gibson, Comm. Hodges and Comm. Fowlkes opposed the friendly amendment.

Roll call vote on amendment to amendment.

Chairman Ellis: Voting on Comm. Washington's amendment with amendment clarification with respect to the sheriff having input in hiring process of police director.

Burkins	left
Ellis	yes
Fowlkes	no
Griffin	no
Gibson	no
Hodges	no
Orgel	passes
Patterson	yes
Strickland	yes
Sandoval	yes
Walker	yes
Washington	yes
White	left
Orgel	yes

seven ayes and four noes -- the motion passes.

Chairman Ellis: The recommendation will be sent to the writing committee for purposes of clarification and will come back to body for approval.

Comm. Hodges: How can we decide something like that when we haven't decided yet if the sheriff is going to be appointed or voted on and he is going to be the high sheriff. If he is going to be the high sheriff, who is he going to ask?

Chairman Ellis: We don't decide whether the sheriff is going to be appointed or voted on. The sheriff is a constitutional officer. He will be up for election every four years as required by statute. The issue with respect to the high sheriff has to be allocated into the charter as to the requirements with respect to law enforcement which we are moving to the appointment by the metro mayor.

Comm. Gibson: His thought process is still correct. To vote for a procedural motion prior to approving that amendment is not proper. We have not decided whether or not it is going to be the sheriff who makes the call or the mayor who makes the appointment. We are saying now that the sheriff will have the opportunity to add in to the mayor's deliberations before we have made the determination that the mayor will actually make that decision.

Comm. Patterson: I think we just reframed Comm. Washington's motion which now consists of should the mayor appoint the chief law enforcement officer? And now this motion also says after consultation with the sheriff in whatever form that takes.

Chairman Ellis: That is correct. That is the motion on the floor.

Comm. Fowlkes: The issue I am still having trouble with is I understand that the council is supposed to write some of these duties, I guess after the fact, as far as -- where would these new duties lie? The duties that the sheriff used to have, I guess we would have to stipulate what they would be for the new police chief or commissioner, so those duties and where they will fall, will help me make my decision as to which one of these two that are on the table to go with.

Chairman Ellis: Comm. Washington's motion dealt with all law enforcement and you were provided a guide that described all of those responsibilities. As for creating in the charter the requirement that law enforcement be provided to the metro government, that will be one of our tasks as a writing committee.

Comm. Washington: Every charter that I looked at delineated duties and responsibilities. They did list the duties and I would assume that our charter would do the same thing.

Chairman Ellis: Comm. Washington has moved that the police director would serve as the chief law enforcement officer of the county. The position of sheriff would be maintained as a constitutional required elected officer. The position of sheriff would not have any law enforcement duties or responsibilities. The police director would report to the mayor and would not report to the sheriff and we have amended it to include that the sheriff would have input into the hiring process of the police director.

Burkins	left
Ellis	yes
Fowlkes	no

Griffin	yes
Gibson	"pass until I get more information"
Hodges	no
Orgel	yes
Patterson	yes
Strickland	yes
Sandoval	yes
Walker	yes
Washington	yes
White	left

eight ayes and two noes, one pass -- motion passes as amended.

Mayor Hodges: I have an issue with who is going to pay. It doesn't seem fair that folks who live in Germantown and Bartlett who are paying for own police force would also pay for the metro police force.

Chairman Ellis: The allocation of services as to general or urban or special -- that is Comm. Gibson's task force.

Comm. Washington: That is a resounding refrain, paying for something you have already got and don't want. That really has to be worked out.

Chairman Ellis: We all know that the questions from the suburban mayors have pointed us to those issues. They have not been decided by this Commission. We will have to have the guidance of the financial experts as well as the suburban mayors and we are very mindful of how critical they are.

## **Health Task Force Report**

Comm. Sandoval: The Health Task Force reviewed the areas of the health department, child care, emergency responses, The Med, the medical examiner, the Memphis and Shelby County Sexual Assault Resource Center (MSARC), environmental health, the Health Loop (mission/vision changed) and Head Start. Most of the health related services are already functioning under the Memphis and Shelby County Health Department. The current structure is similar to those found in our benchmark cities and in national models. This is a model to use as the Charter Commission moves forward.

Recommendations:

1. The Health Dept. should remain as is, but include Head Start. Head Start is a piece that could be here depending on where all of the services end up. The entity is to be called the Metro Health Dept. (or whatever the final name of the government will be) to be overseen by a metro board of health.

2. Currently, the Healthcare Corp. oversees The Med. This entity would be renamed the metro hospital authority with language in the charter as to the composition of board members and guidelines for financial support. Language related to The Med or the Shelby County Healthcare Corporation should not be included in the metro charter and any funding that the metro government could provide to The Med would be requested by the healthcare corporation and approved by the council via resolution. The Med is a 501(c)(3); a completely separate entity from county government.
3. Current active health boards should remain in place; however language outlining member qualifications and representation from all areas of metro would be added to the charter. The mayor would appoint members to these boards, confirmed by the council. The Board of Health would be reactivated and renamed the Metro Board of Health. It would oversee the operations of the Metro Health Dept., the Air Pollution Control Board and the Groundwater Quality Control Board.
4. That language similar to Nashville's charter be used for both the health department and the hospital authority.

Comm. Strickland: Why is Head Start being moved to the health department.?

Comm. Sandoval: We were assigned to look at child care in the area. The health department does inspections of the day care centers and certain health specific issues of Head Start, but the education component is not related to health, but if under the metro charter community services is dissolved, or it is not put somewhere else, can put Head Start under the health department since they are doing part of that work.

Comm. Washington: A hot button issue in this community is vehicle inspections. Memphis and Shelby County is a main corridor for rail, water, highway and air transportation. Because of the inspections that Memphis does, they have some type of exemption from the state because of the standards that are set.

Janet Shipman, Health Dept.: Our air pollution section does the work that is at least as stringent as the Tennessee State law and EPA recommends, so we have a certificate of exemption granted by the State Air Board that we can run our own program following our rules. It is not exactly all related to the vehicle emissions. That is a piece of the broader actions that the pollution control section enforces to keep our air quality high and brought us to attainment in February of this year.

Comm. Washington: Air quality attainment can be an economic development tool.

Chairman Ellis: I have to raise a point of order because Task Force 1 recommended an environmental management system and public works that would take on air and water quality and that was passed in our recommendations. It is very important to understand how we might put these two recommendations together. There was a real critical view that we were not using sufficient environmental systems for countywide to look at

sustainability with respect to goal setting of our air quality and water quality that tied into our own city and county fleet management. We recommended that we follow a model used in several jurisdictions to create an environmental management system and public works and we approved that. We need to go back and have these two task forces look at how to move forward with respect to the new metro government. Suggest take air and water pollution control off-line and look at from the perspective of the two task forces.

Comm. Sandoval: When I refer to metro, I mean all of Shelby County. We are talking about everybody.

Comm. Sandoval made the motion to approve with second by Comm. Strickland, with the exception of the air and water quality issues.

Body voted aye.

Chairman Ellis: If there is anticipated future funding of The Med by the metro government, how are we are going to deal with that with The Med being a 501(c)(3)?

Comm. Gibson: There is no mandate presently, but the county does make grants to The Med via resolution.

Comm. Sandoval: The original recommendation had some language for something to be added to the charter to safeguard the funding, but probably better not to put under Health; may better be addressed under taxes. In Nashville the health authority is an independent body. So if they want funding, they have to make request to the council. There is nothing written that requires they be funded.

Comm. Gibson: Agrees with recommendations of this task force. Cannot make changes to the Med's charter as a 501(c)(3). Should remain unchanged how they must approach the metro government for funding, but it also gives them the ability to go after additional funds from other entities.

Ms. Kinard: There is a state statute that allows counties to create hospital authorities. The Shelby County Healthcare Corporation was created; Shelby County entered into an agreement with the Healthcare Corp. and there is no specific provision that requires a certain amount of funding but the county provides funding as they choose on a fiscal year basis. Although the county is not required to have a hospital authority, it is required to provide inmate and indigent health care. The property/The Med physical plant is owned by the County and leased to The Med.

Recommendation 2 -- the body voted aye.

On recommendation 3, we have decided to table air pollution control and water pollution control. Recommend that we reactivate or establish a county board of health to oversee the operations of the Health Department and suggest writing in some qualifications.

Recommendation 2 – the body voted aye.

Ms. Kinard: Madam Chairman, do you have a standing motion and second for all of these or is it understood that she is making the motion and has there been a second and I just missed it?

Comm. Strickland seconds all recommendations.

On recommendation 4 -- this is really for the writing committee. Consider language like Nashville's charter regarding metro board of health.

Second by Comm. Strickland.

Recommendation 4 – the body voted aye.

Questions/Answers from suburban mayors:

1. Will metro assume all cost responsibility for operation of health department, becoming a general service? Will direct service functions of the health department be allocated between the urban services and general services?

Yes, metro would continue current structure. Funding will be addressed in taxation task force report.

2. Regarding burn permits; will metro assume this responsibility?

All services provided under the current health department will remain the same under metro. The administration of burn permits would be addressed by the health department authorities of the metro government and not be specifically addressed in the charter.

3. Will requirement for vehicle inspections in Memphis be expanded to unincorporated areas? Will vehicles in independent cities be required to be inspected?

Vehicle inspections to be addressed by authorities of metro and not specifically addressed in charter.

Chairman Ellis: Just to add from Task Force 1, under the environmental management system, should certainly include that all public vehicles be included in any inspection process. If the reason for the inspection process is to have clean air, then every public vehicle should be included in the inspection requirement, which it is not required today.

4. Will ambulance service in the unincorporated areas be absorbed as a metro function and become an urban service?

This item was handled under public safety task force.

5. Most independent cities contract with the county for ambulance service, paying pro-rata according to service calls. Under metro, will contract opportunity continue?

This item was addressed under public safety task force.

6. Given financial crisis at The Med, will the shift of responsibility from the county to metro assume it is a general services function and not defined as an urban service although it serves primarily Memphis residents?

Funding support for The Med would continue if metro council approves. Funding of this support, whether from general services or where the money is going to come from is going to be addressed during the taxation discussion.

7. For all citizen boards that advise and recommend on any matters above, what will be the composition and who will appoint? Will they be separated between urban services and general services with membership and benefits divided accordingly?

It is recommended that all health boards include representation from all municipalities in metro with specific language included in the charter. Members to be appointed by the mayor and confirmed by the council.

## **Legal and Judicial Task Force Report**

Damon Griffin: We were directed to review the attorney general, public defender, pretrial services, juvenile court, city courts, city and county attorneys and divorce referee. We were also asked to look at the constitutional officers as well.

### Constitutional officers

The sheriff's office was reviewed by the public safety task force.

The trustee would serve as the sole property tax collector for the metro government and would require the closure of the City Treasury office.

The register's office functions are already consolidated and would be maintained as is.

The county clerk would be transitioned to become the metro clerk and assume the duties of the county clerk as well as the city permits office.

The assessor of property function is already consolidated and continue to function as is.

The circuit, criminal, chancery, probate and juvenile court clerks would be maintained as according to state law. The general sessions court clerk would become a clerk of metro general sessions courts and be an elected position.

We want to make sure that all the clerks' offices in both court houses operate under a centralized metro IT and purchasing departments. Currently, various clerk's offices that are under different technology and communications is sometimes a challenge. And cost-wise it might be more efficient. Suggest that all clerks' offices be subject to inspector general review and audit.

Comm. Griffin made collective motion that these recommendations be adopted; seconded by Comm. Strickland.

Body voted aye.

#### Office of legal services

Recommend that we adopt the Nashville model with the metro counsel representing all of metro government. The metro counsel would have a metro law director or metro attorney appointed by the mayor and confirmed by the council and would serve at the will and pleasure of the mayor. The metro law director would have binding legal opinion authority modeled after Jacksonville. The metro law director could not be discharged by an acting mayor or pro tem mayor.

Comm. Griffin moved adoption of recommendations

Mayor Hodges: Do you have any data on consolidation might reduce the legal force? Do you know how many we have now; how many are proposed?

Comm. Griffin: We did look into the current numbers, but I don't have them with me. We discussed the possibility of decreasing the total between the two offices.

Mayor Hodges: Madam Chairman, is there any way, just for knowledge basis, that we do some kind of rough draft to see what we have now and what we anticipate having after metro?

Ms. Kinard: I can tell you that the county has currently 15 full time attorneys and 15 part time attorneys. Over the last four or five years has reduced the number of attorneys it has, especially the part time attorneys.

Comm. Strickland: We have talked about the salary petition rights that the elected officials have under state law, so when we say the metro council will represent all metro government, I guess except for when they are going to file their salary petitions, right?

State law may except certain things from that requirement. If they file a salary petition, the metro council cannot represent both sides.

Body voted aye.

### Courts

Circuit, chancery, criminal, probate, juvenile courts remain unchanged.

Metro general sessions would include civil, criminal and traffic/metro ordinance issues (currently Memphis city courts)

Metro general sessions courts and clerk would service all three branches of the metro general sessions courts.

The divorce referee shall be incorporated into the metro and continue unchanged; appointed by the mayor.

The public defender shall be incorporated into metro government and be maintained unchanged.

The attorney general is a state law, elected position and cannot be amended by the metro charter.

Pretrial services is created by the courts, but should not be addressed in the charter.

Comm. Griffin made a motion to adopt the recommendations relative to the courts.

Body voted aye.

### **Items of Discussion for Next Meeting**

Chairman Ellis: Comm. Orgel has asked to move economic develop and community planning to May 6. The task force has some more work to do.

Comm. Hodges: We haven't met yet because I have been meeting weekly with Comm. Washington, so the task force will be meeting pretty soon.

Chairman Ellis: We are looking for a place to have a conference call with the Nashville officials. It is Comm. Nicely, Councilman Cole and the first vice mayor, George Cate who actually does their Leadership Nashville Introduction to Consolidated Governments. We have asked them to take about 30 minutes and they will be very happy to answer questions. Comm. Nicely ran their planning commission for 26 years so he will be well versed in the economic development aspect. Expect to provide the location tomorrow.

## **Comments from the Public and Organizations**

No comments from public. No report from Rebuild Government.

## **Other Business**

Comm. Gibson: How will we deal with crossover recommendations when they conflict?

Chairman Ellis: I think we have to send them out for resolution with those task forces.

Comm. Gibson: I happened to hear a couple of things that appear to be a conflict in the area of IT and courts. Do I make that point to you today and we look to pull that out at a later date? I don't want us to get too far down the process of writing and then we realize after both recommendations have been written that there is a conflict. I want to be able to create a process by which we are able to identify those conflicts and resolve them before we actually send them to the writing committee.

Chairman Ellis: I completely agree. The intent of the chair was to report out all task forces before we really were writing anything because there will be overlap. If there is an issue that you want to make known to all of us with respect to IT, I think that recommendation cross metro government was made by task force 1.

Comm. Gibson: If we could put a hold on the recommendation from courts in dealing with IT until we hear the recommendations coming from the task force of accountability and finance, as well as court duties. We will a recommendation from that task force as well that I think conflicts a little bit with what was passed today. The recommendations will have a bottom line effect on costs.

Chairman Ellis: I would ask that if you know where you are going, that the two task force chairs get together and maybe resolve before come back.

## **Adjournment**

7:18 p.m.